

AN ACT

ENTITLED, An Act to clarify school average daily membership if tuition is waived.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 13-28-38 be amended to read as follows:

13-28-38. Tuition required pursuant to § 13-28-22 may be waived if agreed to by the school boards involved. Notwithstanding §§ 13-6-85, 13-28-9, 13-28-10, 13-28-20, and 13-28-21, the decision of a school board to waive or not to waive tuition is final except as specifically provided in this section. If a school board agrees to waive tuition, the district receiving the student may count the student for state funding formula purposes and is entitled to reimbursement for that student through the state funding formula. Any request for a waiver of tuition shall be made to the affected school boards by the parent or guardian of the affected student. The school boards shall take action on the request within forty-five days after receiving the request. A school board's decision pursuant to this section may be appealed to the circuit court in the time and manner specified by § 13-46-1 or to the secretary of the Department of Education and Cultural Affairs within thirty days from the date of the decision of the school board by filing a notice with the secretary of the school board and mailing a copy of the notice to the secretary of the Department of Education and Cultural Affairs. The granting of any waiver is not a legal precedent for any future request for waiver.

An Act to clarify school average daily membership if tuition is waived.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1093

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1093

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
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STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State